IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

Bail Appl..No. 6187 of 2007

(CRIME NO. 375/2007 OF KUNNICODE POLICE STATION)

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PETITIONERS/ACCUSED NO: 1 & 2:

1. **ABY THOMAS,S/O.THOMAS,PANAMPATTA EDATHUNDIL THEKETHAIL VEEDU,VELLANGADU,PANAMPATTA, PIDAVOOR VILLAGE.**
2. **MARIYUMMA,W/O.THAMAS,PANAMPATTA EDATHUNDIL THEKETHAIL VEEDU,VELLANGADU,PANAMPATTA, PIDAVOOR VILLAGE.**

BY ADV. SRI.PREMCHAND R.NAIR.

RESPONDENT/COMPLAINANT:

STATE OF KERALA REPRESENTED BY SUB INSPECTOR OF POLICE,KUNNICODE POLICE STATION, REPRESENTED THROUGH PUBLIC PROSECUTOR,HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/10/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 6187 of 2007

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Dated this the 10th day of October, 2007

ORDER

Application for anticipatory bail. Petitioners are husband and mother in law of the de facto complainant. They face allegations under Sec.498A IPC. Crime was registered on the basis of the complaint by the de facto complainant. The investigation is in progress. The petitioners apprehend imminent arrest.

2. The marriage between the spouses took place on 20.02.06. There is strain in the matrimony. Such strain has prompted the de facto complainant to make reckless and exaggerated allegations, submits the learned counsel for the petitioners.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances of the case, that anticipatory bail can be granted to the petitioners. In coming to this conclusion, I take note of the fact that arrest and incarceration of the petitioners is likely to mar the matrimonial tie beyond repair.

4. In the result, this application is allowed. The following directions were issued under Section 438 Cr.P.C.:-

i) The petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m on 17.10.2007. They shall be enlarged on regular bail on their executing bonds for Rs.25,000/-(Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m on 18.10.2007 and 19.10.2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 17.10.2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 17.10.2007.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE